

## **BILL ANALYSIS**

Senate Research Center

S.B. 1838  
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Education  
4/28/2017  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Section 12.103, Education Code, states that open-enrollment charter schools are "subject to federal and state laws and rules governing public schools and to municipal zoning ordinances governing public schools," but only to the extent that the applicability of such laws and rules have been specifically applied to open-enrollment charter schools. Chapter 12 goes on to apply such rules on an assortment of educational and administrative items (Section 12.104); open meetings and public information laws (Section 12.1051); local government records (Section 12.1052); public purchasing and contracting (Section 12.1053); conflict of interest (Section 12.1054); nepotism (Section 12.1055); immunity from liability and suit (Section 12.1056); and membership in the Teacher Retirement System (Section 12.1057).

Section 12.105, Education Code, states that "An open-enrollment charter school is part of the public school system of this state." With this in mind, S.B. 1838 ensures that school districts and charter schools are treated in the same manner when it comes to certain aspects of municipal government. Specifically, Section 1 of the bill states that a municipality shall apply to school districts and charter schools the same zoning, permitting, code compliance, and development guidelines. Section 2 of the bill requires municipalities to treat school districts and charter schools as equivalent when it comes to the payment of municipal impact fees. Taken together, these provisions will help ensure that municipalities extend similar treatment to school districts and charter schools.

As proposed, S.B. 1838 amends current law relating to the applicability of certain laws to open-enrollment charter schools.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 12.1058, Education Code, by adding Subsection (d), to require a municipality, except as provided by Section 12.103(c) (relating to a certain campus of an open-enrollment charter school not being subject to a municipal zoning ordinance governing public school), to consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development.

SECTION 2. Amends Section 395.022(b), Local Government Code, as follows:

(b) Provides that a school district and an open-enrollment charter school are not required to pay impact fees imposed under this chapter (Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments) unless the board of trustees of the district or the governing body of the charter school consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. Authorizes the contract to contain terms the board of trustees or governing body considers advisable to provide for the payment of fees.

SECTION 3. Effective date: upon passage or September 1, 2017.